

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6511 of 1994

With

Civil Application No.2811 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KALOL MUNICIPALITY, KALOL

Versus

PRIYAVANDANABEN V. TRIVEDI

Appearance:

MR MI PATEL for Petitioner

MR RK MISHRA for Respondent Priyavandanaben
V.Trivedi.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 10/04/96

ORAL JUDGEMENT

Consent terms have been submitted by both the sides duly signed by the petitioner, respondent No.1 and their respective counsel and it has been submitted by both the sides that this Special Civil Application may be

decided on the basis of this consent terms dated 10-4-96. The order of appointment dated 3-4-96 given to the respondent No.1 by Kalol Nagarpalika has also been produced. This consent terms dated 10-4-96 as also the appointment order dated 3-4-96 will remain on record.

The impugned Award dated 29-1-94 passed by the Labour Court, Kalol in Reference (LCK) No.16 of 1982 shall stand modified in accordance with the consent terms and henceforth the rights, duties, obligations and interest of the parties shall be governed by the appointment order dated 3-4-96 and clauses (a) and (b) of the consent terms dated 10-4-96, which are reproduced as under:

"(a) That the petitioner-Municipality will give appointment to respondent No.1 as a Teacher in Suman Bal Mandir in the grade and pay scale as being given to other teachers in the Suman Bal Mandir.

(b) That the seniority of the respondent No.1 will be counted with effect from 1983 for the purpose of seniority, gratuity, pension etc. but no backwages will be paid to respondent No.1 Priyavandanaben for the period commencing from 1982 till her appointment, and such appointment is strictly without backwages."

This Special Civil Application is accordingly allowed and the Rule is made absolute. No order as to costs.

Since the main Special Civil Application has been decided, no orders are required to be passed in Civil Application dated 28-11-94 filed on behalf of the respondent No.1 by Mr. R.K.Mishra. The Civil Application is also disposed of accordingly.